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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,489	01/23/2004	Daniel P. Brown	35985.00.0001	7015
23418	7590	07/02/2004	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ			GRANT, ALVIN J	
222 N. LASALLE STREET			ART UNIT	
CHICAGO, IL 60601			PAPER NUMBER	
			3723	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,489	<b>Applicant(s)</b> BROWN, DANIEL P.	
	<b>Examiner</b> Alvin J Grant	<b>Art Unit</b> 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9-11 and 17-24 is/are rejected.
- 7) ☐ Claim(s) 3-5,8,12-16,25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/2004</u> | 6) <input type="checkbox"/> Other: ____.  |

*DR*

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

- Page 4, lines 12 and 19, change “wherein one element of the first element” to read, “wherein one component of the first element”.
- Page 5, line 19; and page 6, line 13, change “principle” to read, “principal”.
- Page 8, line 6, change “gripping elements 26 further includes” to read, “gripping elements 26 further include”.

Appropriate correction is required.

### ***Claim Objections***

**Claim 1** is objected to because of the following informalities:

- In line 16, change “to engage one of the force transfer elements” to read, “to engage each of the force transfer elements of said at least one gripping element”.
- In the last line, change “the guides” to read, “corresponding said at least one guide”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9-11 and 18-24 rejected under 35 U.S.C. 102(b) as being anticipated by Fischer '322.

Fischer discloses an adjustable gripping tool for engaging a workpiece to impart thereto the tool comprising: a first element and a second element connected for relative angular movement which generates movement of at least one gripping element, the first element including a gripping portion configured to engage the workpiece including a first opening, at least one guide extending from the first opening and at least one gripping element, the at least one gripping element each include a body portion configured to engage one of the guide and a force transfer element contiguous with the arm portion, the second element including an actuation portion having a second opening concentric with the first opening and a plurality of slots disposed adjacent the second opening, each of the slots having a first section configured to engage each of the force transfer elements of said at least one gripping element, such that movement of the second element with respect to the first element simultaneously actuates the first sections to contact and move the force transfer elements thereby actuating the gripping elements along corresponding said at least one guide (Fig. 11); a lock mechanism (124) disposed on the first element operable to secure the first element and the second element in a desired angular orientation; the first element further includes a plurality of studs (95) such that one stud is disposed between an adjacent pair of guides and extends parallel to the force transfer elements; each of the slots further includes a second section

extending from the first section, such that one of the studs engages one of the second sections so that during relative angular movement between the first element and the second element the first and second openings remain concentrically aligned; the gripping portion and the actuation portion circumferentially engage the workpiece; the gripping portion and actuation portion are configured penannular; the gripping portion includes a plurality of gripping elements (54, 55); and at least one guide extends radially.

#### ***Allowable Subject Matter***

Claims 3-5, 12-16, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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